



RECEIVED

FEB 05 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Patent Application of:

Joseph R. BYRUM

Appln. No.: 09/552,087

Filed: April 21, 2000

Title: **Nucleic Acid Molecules and Other  
Molecules Associated with Plants**

Art Unit: 1634

Examiner: Juliet C. EINSMANN

Atty. Docket: 16517.132/38-21(15786)B

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
Washington, D.C. 20231

***Attn: Office of Initial Patent Examination's Filing Receipt Corrections***

Sir:

Attached is a copy of an Official Filing Receipt issued by the U.S. Patent and Trademark Office for the above-referenced application for which issuance of a corrected filing receipt is respectfully requested. It is noted that there is an error with respect to the following data:

**Under the heading "Domestic Priority data as claimed by applicant", the following U.S. provisional and non-provisional applications should be listed:**

**09/521,640**

**09/421,106**

**60/130,465.**

In support of these corrections, Applicant submits herewith an Amendment that supplies the relationship of the corrected priorities claimed. Accordingly, Applicant's representative agent respectfully requests that the listing of priority date be corrected as indicated above.

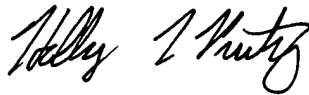
Applicant further notes that the Attorney Docket Number listed on the Filing Receipt is incorrect. The Attorney Docket Number should read:

**16517.132/38-21(15786)B.**

Accordingly, Applicant's representative agent respectfully requests that the listing of Attorney Docket Number be corrected as indicated above.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicant does not believe that any fees other than those provided for in the accompanying documents are due at this time. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2387, referencing docket number 16517.132.

Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)  
June E. Cohan (Reg. No. 43,741)

Date: January 7, 2003

ARNOLD & PORTER  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
(202) 942-5000 telephone  
(202) 942-5999 facsimile

**COPY**

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/552,087	04/21/2000	1649	920	<del>46517-105</del> 16517.132/38-21		11	4

(5786)B  
CONFIRMATION NO. 4196

28381  
ARNOLD & PORTER  
555 12TH STREET, N.W.  
WASHINGTON, DC 20004

## UPDATED FILING RECEIPT



\*OC000000006216374\*

Date Mailed: 06/22/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Joseph R. Byrum, West Des Moines, IA;  
David K. Kovalic, University City, MO;

## Domestic Priority data as claimed by applicant

09/521,640

## Foreign Applications

09/421,106

60/130,465.

If Required, Foreign Filing License Granted 03/23/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

## Title

Nucleic acid molecules and other molecules associated with plants

## Preliminary Class

800

**RECEIVED**  
FEB 05 2003  
TECH CENTER 1600/2900

**Data entry by :** NGUYEN, NGAN

**Team :** OIPE

**Date:** 06/22/2001



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231



# FILE COPY

Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 4196

<b>SERIAL NUMBER</b> 09/552,087	<b>FILING DATE</b> 04/21/2000 <b>RULE</b>	<b>CLASS</b> 800	<b>GROUP ART UNIT</b> 1634	<b>ATTORNEY DOCKET NO.</b> 16517.132/38-21 (15786)B
------------------------------------	---	---------------------	-------------------------------	---

**APPLICANTS**  
Joseph R. Byrum, West Des Moines, IA;  
David K. Kovalic, University City, MO;

**\*\* CONTINUING DATA \*\*\*\*\***  
This application is a CIP of 09/521,640 03/10/2000  
which is a CIP of 09/421,106 10/15/1999  
and claims benefit of 60/130,465 04/22/1999

**\*\* FOREIGN APPLICATIONS \*\*\*\*\***

**IF REQUIRED, FOREIGN FILING LICENSE GRANTED**  
\*\* 03/23/2001

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	<b>STATE OR COUNTRY</b> IA	<b>SHEETS DRAWING</b>	<b>TOTAL CLAIMS</b> 11	<b>INDEPENDENT CLAIMS</b> 4
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

**ADDRESS**  
Monsanto Company  
Lawrence M Lavin Jr  
800 N Linbergh Boulevard  
Mailzone N2NB  
St Louis ,MO 63167

**TITLE**  
Nucleic acid molecules and other molecules associated with plants

<b>FILING FEE RECEIVED</b> 920	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees ( Filing )
		<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )
		<input type="checkbox"/> 1.18 Fees ( Issue )
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/552,087	04/21/2000	Joseph R. Byrum	16517.132/38-21 (15786)B

Monsanto Company  
Lawrence M Lavin Jr  
800 N Linbergh Boulevard  
Mailzone N2NB  
St Louis, MO 63167

CONFIRMATION NO. 4196



\*OC000000009388531\*

RECEIVED

FEB 05 2003

TECH CENTER 1600/29

Date Mailed: 01/16/2003

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

### Claims, Fees, and Inventors

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

☐ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.

☐ The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.

☐ The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.

☐ The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.

☐ Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.

☐ The Office will not engage in double correspondence with an applicant and a registered attorney or agent, or with more than one registered attorney or agent except as deemed necessary by the Commissioner. If more than one correspondence address is specified, the Office will establish one as the correspondence address. See 37 CFR 1.33 (a)

☐ The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.

☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined).

☐ The inventor's residence allows for up to 40 characters (letters and spaces combined).

☐ The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).

☒ **A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.**

☐ Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.

☐ The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.

☐ The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.

☐ The docket number allows a maximum of 25 characters.

☐ The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.

☐ The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.

☐ Honorific titles, such as Dr. Mr. Mrs., Ph.D. etc. are not captured in the applicant's information. Application

Altaye W. Legasse



Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202